C-482 NO. 321 OF 2002

Hon'ble Irshad Hussain, J.

Heard Sri Rajendra Singh learned counsel for the petitioners and Sri Navneet Kaushik, learned counsel appearing on behalf of respondent no.4.

This is a petition under section 482, Code of Criminal Procedure for quashing of the summoning order dated 15.07.2002 passed by the learned Magistrate as well as the judgment and order passed by the learned sessions Judge on 19.10.2002 under revisional jurisdiction. The propriety of the summoning order has been challenged on the ground that the learned Magistrate failed to take into account the fact that the witnesses have not supported the version of the F.I.R. Similar assertion has been made in regard to the appreciation made by the learned Sessions Judge. There may be few witnesses who have not supported the prosecution version, but it is of significance that the statement of injured Shyam Lal was there to corroborate the prosecution version and his statement was sufficient to make out a prima facie case against the accused nominated in the F.I.R. Considering these aspects, the learned Magistrate was fully justified in rejecting the final report and passing the summoning order against the accused-applicant who has preferred the present petition. Considering this, there is no force in this petition and the same is dismissed.

(Irshad Hussain, J.)

14.11.02